

United States District Court
For the Northern District of California

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EDS:SOA/BG/TH

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ARMANDO GONZALEZ,) No. C 08-2389 RMW (PR)
Petitioner,) ORDER GRANTING MOTION FOR
v.) EXTENSION OF TIME TO FILE NOTICE
VIRGA, Warden,) OF APPEAL; DENYING MOTION FOR
Respondent.) APPOINTMENT OF COUNSEL ON
APPEAL

(Docket Nos. 41, 42, 43, 45)

Petitioner, a state prisoner proceeding pro se, filed an amended petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging a criminal judgment from Santa Clara County superior court. (Docket No. 3.) On June 13, 2013, the court denied the petition. (Docket No. 38.) On July 14, 2013, petitioner filed a notice of appeal. See Houston v. Lack, 487 U.S. 266, 270-71 (1988). (Docket No. 44.)

Petitioner has filed motions for an extension of time to file a notice of appeal. (Docket Nos. 41, 43.) Petitioner's motions for an extension are **GRANTED**. Petitioner's notice of appeal filed July 14, 2013 is deemed timely.

Petitioner has also filed a motion for appointment of counsel on appeal. (Docket Nos. 42, 45.) Petitioner has previously requested counsel in these proceedings. (Docket Nos. 18, 32.) The court has denied each request and advised petitioner that the circumstances of this

1 case do not warrant appointment of counsel. (Docket Nos. 32, 37.) There has been no change
2 in circumstances that now warrant appointment of counsel and therefore the motions are
3 **DENIED**. Petitioner's case is currently before the Ninth Circuit Court of Appeals, Case No.
4 13-16446, and he may renew his request for appointment of counsel in that court.

5 This order terminates docket numbers 41, 42, 43 and 45.

6 IT IS SO ORDERED.

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8 DATED: 1st OCTH

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Ronald M. Whyte
RONALD M. WHYTE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ARMANDO R. GONZALEZ,

Case Number: CV08-02389 RMW

Plaintiff,

CERTIFICATE OF SERVICE

v.

JAMES WALKER, ET AL. et al,

Defendant.

/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 12, 2013, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Armando R. Gonzalez V-74787
C4/206
High Desert State Prison
P.O. Box 3030
Susanville, CA 96127

Dated: August 12, 2013

Richard W. Wieking, Clerk
By: Jackie Lynn Garcia, Deputy Clerk